

Amendment  
Serial No. 09/914,240

Docket No. PHF 99,628

### REMARKS

The Office Action mailed September 9, 2004 has been reviewed and carefully considered. Claim 3 has been added. Claims 1-3 are pending, each independent, claim 2 having been withdrawn from consideration. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,148,026 to Puri et al. ("Puri") in view of U.S. Patent No. 5,699,121 to Zakhor et al. ("Zakhor").

Claim 1 is directed to an SNR scalable encoder; whereas, the cited references, alone or in combination, fail to disclose, suggest or feature an SNR scalable encoder. For at least this reason, claim 1 is non-obvious over the cited references.

In addition, claim 1 recites, "a base layer encoding step, provided for receiving . . . a coarse mesh . . . ; a first enhancement layer encoding step, provided . . . for generating . . . a new . . . image . . . used to refine the current level mesh "Mesh 1" towards a new mesh "Mesh 2" . . ."

The "Note" immediately preceding the last paragraph of item 3 of the Office Action seems to acknowledge that neither reference discloses the above-quoted feature of present claim 1, but appears to suggest that the feature is either inherent in Puri or somehow obvious.

The specific explanation offered in item 3 of the Office Action seems to involve some kind of joining, substitution or modification that involves "the base layer (110)" and "the enhancement layer (520)," both of these layers being disclosed in Puri.

Amendment  
Serial No. 09/914,240

Docket No. PHF 99,628

The encoder 110, which Puri cites as prior art, produces block-based texture and mesh-based motion vector information.

The encoder 510 produces block-based texture and block-based motion vector information.

The encoder 520 produces mesh-based motion vector information by making predictions based, in part, on the block-based motion vector information generated by the encoder 510.

The applicants of the present application fail to understand the meaning of the above-referenced "Note" in item 3 of the Office Action. In particular, it is unclear, for example, what are being combined and how these are deemed to be combined.

The motivation cited by the Office Action in the last paragraph of item 3 is that the combination is "a most efficient way to improve quality of a scalable encoding process," but the applicants fail to understand what is being improved or how.

For at least these reasons too, the proposed combination of prior art fails to render obvious the present invention as recited in claim 1.

Also, claim 1 recites, "the matching pursuit method being applied during each encoding step to the error residual image  $\epsilon_i$ ."

The Office Action, while acknowledging that Puri fails to disclose or suggest the above-quoted feature of the present claim 1, suggests that Zakhor "teaches" the matching pursuit technique "which can be applied during each encoding step."

It is unclear what is being suggested as motivation for modifying Zakhor to realize the above-quoted feature of claim 1.

Amendment  
Serial No. 09/914,240

Docket No. PHF 99,628

Moreover, the implication is that the Examiner concludes, from the disclosure of the present invention, that the technique can be applied during each encoding step. The Office Action cannot even bring itself to suggest that this idea comes from Zakhor, Puri, or anywhere else but from the instant applicants' disclosure.

For at least this reason too, the present claim 1 distinguishes patentably over the prior art of record.

Reconsideration and withdrawal of the rejection are respectfully requested.

New claim 3 is an apparatus claim directly analogous to method claim 1, and accordingly is likewise deemed to distinguish patentably over the cited references, for at least the same reasons set forth above with regard to claim 1.

Amendment  
Serial No. 09/914,240


Docket No. PHF 99,628

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross  
Registration No. 40,007

Date: December 8, 2004

  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

**Mail all correspondence to:**  
Russell Gross, Registration No. 40,007  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9608  
Fax: (914) 332-0615